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1 — EPA accused of keeping New Mexico in the dark, Albuquerque Journal, 9/18/2015

<http://www.abqjournal.com/645989/news/epa-accused-of-keeping-nm-in-dark.html>

New Mexico Environment Secretary Ryan Flynn on Thursday accused the U.S. Environmental Protection Agency of withholding detailed water quality data from the state for several weeks after toxic waste from a mine spill contaminated water in the Animas and San Juan rivers.

2 — EPA, Congress clash over Gold King Mine effect on Navajo Nation, Denver Post, 9/17/2015

http://www.denverpost.com/breakingnews/ci_28831660/epa-congress-clash-over-gold-king-mine-effect

In an unusually explosive exchange, the chairman of the U.S. House oversight committee on Thursday accused the EPA of trying to sweep under the rug the damages the Gold King Mine disaster had done to the Navajo Nation.

3 — EPA clean power rules could benefit state, Tulsa World, 9/18/2015

http://www.tulsaworld.com/business/tulsabusiness/business_news/energy/epa-clean-power-rules-could-benefit-state/article_5032f5fd-eefe-5286-9ee1-64dc39f8fd90.html

Oklahoma could benefit economically from the Environmental Protection Agency's clean power plan that was announced Aug. 3.

4 — Fifth Circuit Reverses Criminal Conviction of Citgo in Corpus Christi Pollution Case, Texas Observer, 9/17/15

<https://www.texasobserver.org/fifth-circuit-overturns-citgos-clean-air-act-conviction/>

Earlier this month, a federal appeals court dealt Corpus Christi residents a harsh blow, overturning the criminal conviction of Citgo Petroleum Corp. for violations of the Clean Air Act.

5 — Water plan eases up on nutrients, Arkansas Democrat-Gazette, 9/17/2015

<http://www.arkansasonline.com/news/2015/sep/17/water-plan-eases-up-on-nutrients-201509/?f=news-arkansas>

The Arkansas Natural Resources Commission has watered down a recommendation in its proposed water plan on the basis of public comments. Agriculture industry associations in particular had opposed a sentence that could have resulted in a requirement for nutrient management plans throughout Arkansas.

6 — Inhofe Eyes Renewed Push For 'Good Samaritan' Bill After EPA Mine Spill, Inside EPA, 9/16/2015

<http://insideepa.com/node/184898>

Sen. James Inhofe (R-OK), chairman of the environment committee, plans to renew efforts to move long-stalled legislation that would provide environmental liability relief for so-called Good Samaritans who conduct cleanups of abandoned hardrock mines, spurred in part by EPA's Aug. 5 accidental spill of wastewater containing heavy metals from an abandoned Colorado mine.

7 — 15,000 Oil Drums Abandoned in Ector County, EPA Conducting Emergency Clean-Up, KWES, 9/16/2015

<http://www.newswest9.com/story/30050745/15000-oil-drums-abandoned-in-ector-county-epa-conducting-emergency-clean-up>

Thousands of abandoned oil drums at Marco Avenue and Market Street are leaking chemicals into the ground, contaminating water wells and creating significant fire hazards, Environmental Protection Agency officials said.

8 — IG questions water-quality payoff from pricey sewer upgrades, Greenwire, 9/17/2015

<http://www.eenews.net/greenwire/2015/09/17/stories/1060024884>

It's unclear whether the billions of dollars that U.S. EPA has required cities to invest in sewer upgrades are yielding water quality improvements, the agency's inspector general concludes in a new report.

9 — The EPA has failed the Navajo Nation (opinion), The Hill, 9/17/2015

<http://thehill.com/blogs/congress-blog/energy-environment/253857-the-epa-has-failed-the-navajo-nation>

The Environmental Protection Agency is supposed to protect the environment, our water, our air and our land. But on August 5, an EPA team doing excavation work released 3 million gallons of toxic sludge from the inactive Gold King Mine, contaminating the Animas and San Juan rivers in Colorado, New Mexico, Navajo Nation, and Utah. What followed was a month of finger pointing, failure to take responsibility in a timely manner, and an agency turning its back on the Navajo people.

10 — City approves Natural Chem land purchase agreement, Clovis (NM) News Journal, 9/17/2015

<http://www.cnjonline.com/2015/09/17/city-approves-natural-chem-land-purchase-agreement/>

For three hours on Thursday night, Clovisites living on South Main Street voiced concerns to city commissioners about Natural Chem, LLC moving into the nearby industrial park. After the company's chief executive officer Robert Salazar answered questions, the commission decided by unanimous vote to approve a land purchase agreement, allowing the company to make progressive steps toward building a plant in Clovis.

11 — Some in Oklahoma dispute whether nation has an oil glut, The Oklahoman, 9/18/2015

<http://newsok.com/some-in-oklahoma-dispute-whether-nation-has-an-oil-glut/article/5447647>

The rapid increase in domestic production over the past several years has displaced much of the country's oil imports and forced changes in many of the ways companies operate throughout the oil patch.

12 — 4.1 earthquake recorded today near Cushing; state's largest in past 30 days, Tulsa World, 9/18/2015

http://www.tulsaworld.com/earthquakes/earthquake-recorded-today-near-cushing-state-s-largest-in-past/article_1138e148-a8a1-5a33-8b30-b5e8140eabeb.html

The U.S. Geological Survey recorded a 4.1 earthquake this morning in Oklahoma. The temblor recorded at about 7:35 a.m. about 4 miles west-northwest of Cushing in Payne County.

13 — ConAgra, Albertsons, Sodexo join fight to halve food waste, GreenBiz, 9/18/2015

<http://www.greenbiz.com/article/conagra-albertsons-sodexo-join-federal-fight-halve-food-waste>

Hunger is the biggest obstacle to learning for children in public schools in Oakland, California, according to a survey of district teachers. In Washington, D.C., 31 percent of children live in "food-insecure" households. That's one in five residents across Louisiana. Ditto in New York City.

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ALBUQUERQUE JOURNAL

EPA accused of keeping New Mexico in the dark

By Michael Coleman / Journal Washington Bureau

Friday, September 18th, 2015 at 12:02am

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WASHINGTON – New Mexico Environment Secretary Ryan Flynn on Thursday accused the U.S. Environmental Protection Agency of withholding detailed water quality data from the state for several weeks after toxic waste from a mine spill contaminated water in the Animas and San Juan rivers.

Flynn told the House Natural Resources Committee the lack of information hampered the response of New Mexico environment officials, who were unsure of the best way to react to the Aug. 5 spill that polluted waters in Colorado, New Mexico, Arizona and Utah.



Pollution from a mine spill caused by the U.S. Environmental Protection Agency fouls the Animas River near Silverton, Colo., in August. (Farmington Daily Times)

“The lack of timeliness with respect to providing data – we had all kinds of excuses (from the EPA) – but the bottom line is we just really needed that information to help develop a response plan,” Flynn testified. “Not having data in the first couple of days and continuing to have to make that fight put us in a position where we had to take very conservative actions.”

EPA spokeswoman Laura Allen offered a different version of events in a statement provided to the **Journal**.

“Instead of weeks, we first posted data from the spill on (August) 10th and on August 12th,” Allen said. “To assess the impacts of the release at the Gold King Mine, water quality samples were collected from the Northern Border of New Mexico to the Navajo Nation at numerous intervals beginning on Aug. 7, 2015. Based on consultation with affected communities, the results were compared against recreational screening levels and then posted publicly.”

Flynn, who appeared before the committee, also submitted written testimony saying the information put forth in the initial days after the accident “was summary level data, cherry-picked.”

Thursday’s hearing was the fourth in Congress since the EPA triggered the spill while trying to contain a potential

blowout at the inactive Gold Creek Mine near Silverton, Colo. EPA Administrator Gina McCarthy has been on the congressional hot seat this week, with some members of Congress accusing her agency of breaking federal law and some calling for her resignation.

House Natural Resources Committee Chairman Rob Bishop, R-Utah, said Thursday that the EPA should face civil and criminal penalties for not consulting with the U.S. Fish and Wildlife Service before its work at the Gold King Mine

The EPA acknowledged last year that a blowout from the mine was possible. Bishop said federal law requires that the agency consider potential harm to protected species living downstream in the Animas and San Juan rivers. McCarthy said that was the reason the EPA was there in the first place – to mitigate the problem.

“You violated the law,” Bishop said. “The standard you make everyone else live by, you violated.”

In the written testimony submitted to the committee before the hearing, Flynn described the EPA’s response as “slow and disorganized” while characterizing New Mexico state government’s as “swift and coordinated.” The EPA’s communication with New Mexico “was also poor and at times counterproductive,” he said.

“A number of internal communication battles occurred behind the scenes,” Flynn’s testimony said. “These internal struggles made it more difficult for my team to make important decisions and move forward with our emergency response efforts.”

Allen of the EPA disagreed.

“The EPA has closely coordinated with our federal partners and with officials in Colorado, New Mexico, Utah, the Southern Ute and Ute Mountain Ute tribes and the Navajo Nation to keep them apprised of water and sediment sampling results, which are routinely posted on our website,” she said. “All results were made available on EPA’s website as soon as they were validated and reviewed. One of our foremost priorities is to keep the public informed about the impacts from the Gold King Mine release and our response activities.”

Several New Mexico environmental groups shot back at Flynn after his testimony, accusing the administration of Gov. Susana Martinez of routinely flouting efforts to hold extractive and other industries accountable for environmental degradation.

“The Animas River mining spill offered a tragic – and fluorescent – reminder that resource extraction and other polluting industries have no place in our watersheds,” said Eleanor Bravo, director of Food and Water Watch New Mexico, in a statement issued later. “With its deplorable record of favoring big business over the health and welfare of the people, the New Mexico Environment Department can’t be trusted to protect our water.”

During the hearing, all three members of New Mexico’s U.S. House delegation questioned witnesses, including Navajo Nation President Russell Begaye.

Today’s North eJournal

EPA, Congress clash over Gold King Mine effect on Navajo Nation

Updated: 09/17/2015 11:52:27 PM MDT

DenverPost.com

U.S. Rep. Chaffetz says EPA sought early settlements during spill aftermath

WASHINGTON — In an unusually explosive exchange, the chairman of the U.S. House oversight committee on Thursday accused the EPA of trying to sweep under the rug the damages the Gold King Mine disaster had done to the Navajo Nation.

U.S. Rep. Jason Chaffetz, R-Utah, made the accusation during Congress' fourth hearing into the accident, and he specifically targeted steps that he said the Environmental Protection Agency took to deal with the legal liability.

He said the EPA dispatched employees to the Navajo Nation to distribute so-called "settlement agreements" to quickly cover claims related to the Aug. 5 incident that sent pollutants through three states and blemished the San Juan River — a vital waterway for the tribe.

Days after the disaster, "we had EPA employees walking the banks of the river, not there to do a cleanup, not there to help with the cows and the cattle and other things, but they were out there handing out these waiver forms — trying to get a waiver form signed to limit the liability," Chaffetz told EPA Administrator Gina McCarthy, who testified at the hearing.

"Many of these people don't even speak English, and yet you had employees of the federal government working for you out there trying to limit their liability. That is so fundamentally totally wrong and offensive."

Later in the hearing, Chaffetz returned to that point and said McCarthy wasn't being truthful about the actions of her employees and whether the liability document, known as a Standard Form 95, constituted a "settlement agreement."

"Do you deny your people were handing out this form?" Chaffetz asked.

Answered McCarthy: "I do deny that we were going around trying to get anybody to sign these forms. Based on the information I had, that is not correct. Did we supply forms to the Navajo Nation leadership? Absolutely."

But she added that filling out the form only was the start of the process.

To which Chaffetz responded, hands shaking in anger: "Again, you are totally misleading, totally out of touch and totally inappropriate in this instance."

The exchange only ended when Chaffetz ran out of time.

The next speaker gave McCarthy one last rebuttal, in which she asserted the forms in no way constituted a final agreement.

"This is an application to begin a settlement process that can be added to and amended throughout the entire process," she said. "It was not a final document in any way."

Navajo Nation leaders have long expressed anger and frustration about the EPA's delay in notification of the spill, handing out the Form 95s and inability to quickly provide agricultural aid and fresh water for livestock. The tribe also said that when water was trucked in, it was tainted with oil.

As part of the hearing, Russell Begaye, president of the Navajo Nation, spoke of the same form and the pressure his people felt to receive compensation for the accident, which has marred farmland in the region.

"Our farming families were expecting to sell their harvests along a predictable timeline that was disrupted by the closing of the San Juan River to irrigation use," he said in prepared remarks.

"Now that time is passing, and many of them need their anticipated harvest returns immediately to catch up on bills and to buy school clothes, among other things.

"Yet if they fill out Standard Form 95 and receive a settlement check, they may not be able to defer cashing that check while they wait for additional damages or injuries to accrue," he added.

Last month, Begaye told his constituents not to sign the Standard Form 95, saying he feared it would waive members' ability to file future claims. Tribal leaders were furious after they say EPA officials handed out the forms unbeknownst to them.

"The federal government is asking our people to waive their future rights because they know without the waiver, they will be paying millions to our people," Begaye said at the time. "This is simple: the feds are protecting themselves at the expense of the Navajo people and it is outrageous."

The tribe's attorney general, Ethel Branch, told The Denver Post in an interview last month in Window Rock, Ariz., the Navajo capital, that she was seeking the opinion of U.S. Attorney General Loretta Lynch on the form.

Toward the end of her testimony on Thursday, McCarthy acknowledged the EPA had to repair its relationship with the Navajo Nation. Tribal leaders said it took the EPA almost two full days to contact the Navajo Nation after the spill, and McCarthy said she recognized the agency had work to do in earning back the tribe's trust.

"Damage has been done beyond what happened to that river, and it's going to take a long time to repair that," McCarthy said. "But I'm going to do the best I can to make sure that happens."

Epa scales down durango incident command

The Environmental Protection Agency on Thursday released a draft monitoring plan in the wake of the agency's Colorado mine spill last month, saying it's beginning to scale down its incident command in Durango and transition to long-term operations.

The EPA says the plan, which calls for at least a year of monitoring, is out of an "abundance of caution" and noted that surface water and sediment have returned to pre-spill conditions.

"EPA has been sampling conditions since the spill to ensure the safety of residents in the watershed," said EPA Administrator Gina McCarthy.

"This monitoring plan represents the next phase of this important work, and reflects our commitment to continue working closely with state, local and tribal officials to evaluate the potential impacts of the spill."

The agency is asking for comments on the draft proposal, which is available on their website.

EPA clean power rules could benefit state

By Ralph Schaefer TB&LN Correspondentnews@tulsabusiness.com | Posted: Friday, September 18, 2015 12:00 am

Oklahoma could benefit economically from the Environmental Protection Agency's clean power plan that was announced Aug. 3.

The question is whether or not the state's political leaders will embrace the opportunities or fight the federal mandates that go into full effect in 2030.

Gary D. Allison stepped out of role as Director of Sustainable Energy Resources Law at University of Tulsa College of Law as he reflected on the EPA rules.

He also made it very clear the opinions he expressed were only his and did not reflect those of the University of Tulsa or the TU College of Law.

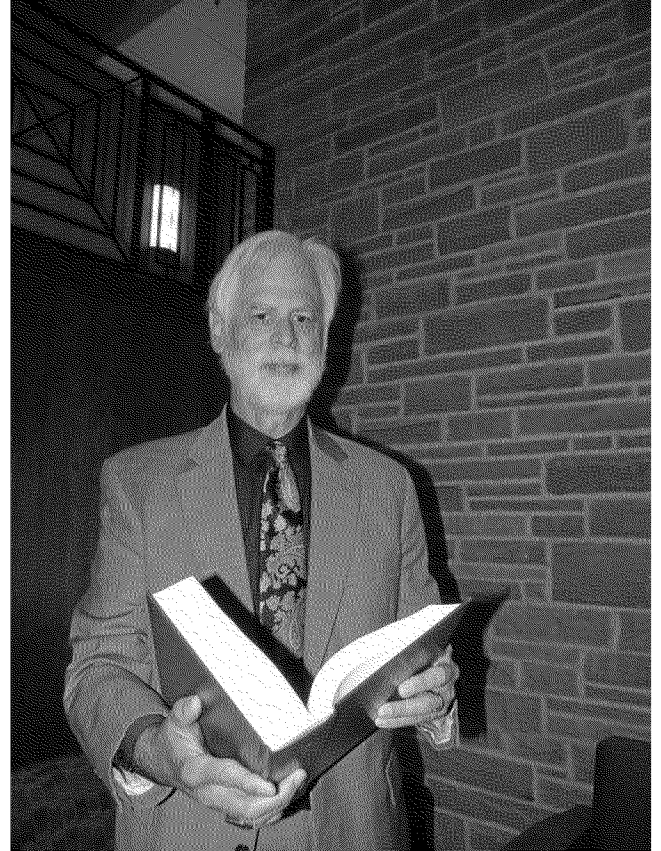
"I have strong views that may be compatible with others in the state," Allison said. "Oklahoma should not have great difficulty meeting the guidelines because 'we have great sun (solar) and wind resources (wind power).'"

This is an opportunity to displace coal-fired plants with natural gas facilities because the state also is a leader in natural gas production.

"It always has seemed strange to me the state politicians seem to have such a fondness for coal, to put it bluntly," he said. "We don't produce that much coal here."

Changes are ahead for the displacement of the coal fired power plants even if the rules weren't in place, Allison continued. The displacement has been occurring pretty rapidly. The abundance of natural gas has resulted in natural gas being adopted more rapidly as new power plants come on line.

Interstate power markets are moving away from the regulatory to the open market approach and it is being shown that natural gas plants have the lowest operating costs.



gary_d_allison1

Gary D. Allison is a University of Tulsa College of Law professor and director of the Sustainable Energy and Resources Law Program. Ralph Schaefer for TB&LN

Hard-nosed business decisions alone show that operating costs have been harmful to anyone wanting to build a new coal-fired or nuclear plant, he said. Wind and natural gas have provided the bulk of the new power generation capacity over the past 10 years. Many people looking forward to the building of new electric generating plants weren't looking at coal-fired plants anyway.

Natural gas plants will be available and the dramatic reduction of renewable energy costs, wind and solar power, have gone down significantly because of the economy of scale. The more these are adopted, the lower the costs.

Oklahoma's coal-fired plants are about 43 years old and some consider them at the end of their useful life, Allison said.

"For the life of me, I do not understand why our state politicians clamor for preserving the lives of these plants going forward. The origin of the plan is the desire of the Obama Administration to do something to mitigate climate change and the inability of Congress to act on the issue."

The world is at a point where time is rapidly running out to prevent big catastrophes past 2050.

Some people might not be concerned because they know they won't live that long, he said. But they should be concerned about the lives of their children, grandchildren and great grandchildren, some of whom might live towards the end of this century.

The anticipation of the plan is that by reducing carbon dioxide, it also will reduce other pollutants, nitrogen oxides, sulphur oxides and particular matters that affect people's health.

The EPA study shows that each year at least 3,600 premature deaths could be prevented; 1,700 heart attacks, and 90,000 asthma attacks could be avoided. Just as significantly, 300,000 missed work days and school days will be avoided, and these are just estimates if the plan is fully implemented.

The study projects pollution reductions to the climate would be \$20 billion while health benefits would range between \$14 to \$34 billion and the net overall benefits would vary between \$26 to \$45 billion. The estimated cost to implement the plan is \$8 billion.

Allison restated his position noting that Oklahoma "would benefit greatly by not fighting the plan and aggressively moving forward with it.

"We will stimulate jobs and advance the wind industry where we are a leader. There are no jobs in coal production in this state. We will stimulate a significant advance in the merging solar industry and we have the sunlight resources to make that work. The new battery technology that is being developed will make these resources more efficient and reliable. We will be able to take advantage of the power we produce when the sun goes down and the wind doesn't blow," he said.

Allison says the state will also be able to take full advantage of its natural gas resources and get value added by converting it into electricity rather than shipping it somewhere and someone else

gaining value added for their technology.

Fifth Circuit Reverses Criminal Conviction of Citgo in Corpus Christi Pollution Case



Jen Reel

One of the few standing houses in the Hillcrest neighborhood that remains in the refineries' two-block buffer zone.

Earlier this month, a federal appeals court dealt Corpus Christi residents a harsh blow, overturning the criminal conviction of Citgo Petroleum Corp. for violations of the Clean Air Act. The ruling by a three-judge panel of the U.S. Fifth Circuit Court of Appeals is the latest in a legal drama that has dragged on for more than a decade.

The Citgo conviction in 2007 marked the first time a major oil company was found guilty of criminal air pollution by a jury. It was also the first time that victims of air pollution were recognized under the Crime Victims' Rights Act. Prosecutors established that two

mammoth oil-water separator tanks lacked emission controls and were exposing residents of Hillcrest, a neighborhood adjacent to the Citgo refinery, to dangerous levels of benzene, a known carcinogen.


Last summer, the federal judge in the case, after seven years of delay, finally reached a sentence, fining the multibillion oil giant a mere (<http://www.texasobserver.org/citgos-corpus-christi-environmental-crimes-big-punish/>) \$2 million. The judge also denied restitution to the victims, including reimbursements for medical costs or moving away from the refinery. The decision by the Fifth Circuit panel removes even a symbolic victory.


“The most disappointing thing is we fought so hard to get the victims victim status, and this just wipes that away,” said Melissa Jarrell, a criminal justice professor at Texas A&M-Corpus Christi. “[The panel decided that] not only are they not victims, but Citgo did not commit a crime and that to me is just impossible given the evidence.”


The unanimous Fifth Circuit decision turned on a technical point: the definition of oil-water separator tanks. Such tanks must be covered to prevent significant emissions. During Citgo’s trial, the court instructed the jury that any tank used to separate oil and water should be construed as, you got it, an oil-water separator tank. But the Fifth Circuit said that oil-water separator tanks are only those that are used for that purpose *and* have certain physical components. Those at Citgo lacked the components and therefore were not subject to the pollution controls, the justices found.

“Whatever technicality they’re claiming doesn’t change the fact that they had benzene in those tanks,” said Daniel Peña, a Hillcrest resident. “Whatever they called the tanks doesn’t matter — the fact is they had benzene there and it was an open container in the neighborhood.”

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Anonymous...

A fire rages at the Citgo Refinery in Corpus Christi on July 19, 2009.

But according to the Fifth Circuit, if the tanks weren't oil-water separators, Citgo didn't violate the Clean Air Act by keeping them uncovered.

"That is an extremely contorted analysis of the English language," said Bill Miller, a former EPA attorney who was on the original prosecution team. In its analysis, he said, the three-judge panel failed to consider the evidence that Citgo removed tens of thousands of gallons of oil from the top of the two tanks each time inspectors came by, passing them off as equalizer tanks.

The tanks at issue are each 240 feet in diameter, making them wider and nearly as long as a football field. They're each 30 feet tall, or three stories high. When Texas Commission on Environmental Quality inspectors showed up at the Citgo refinery for a surprise inspection in May 2002, they found 130,000 barrels of oil in the uncovered tanks, triggering the protracted legal battle.

"At times [the tanks] contained oil eight to 10 feet deep, oil that constantly emitted hazardous fumes," Miller said. During the trial, the prosecution showed that Citgo's own internal experts advised the company to put emissions controls on the tanks. The Department of Justice demonstrated that the tanks remained uncovered for at least a decade.

Dick DeGuerin, Citgo's high-dollar attorney who has also defended Tom DeLay (https://en.wikipedia.org/wiki/Tom_DeLay_campaign_finance_trial) and Robert Durst (http://www.nytimes.com/2015/03/16/nyregion/robert-durst-subject-of-hbo-documentary-on-unsolved-killings-is-arrested.html?_r=1), said the company had already spent millions on installing roofs on the tanks before the trial began.

"I think this Fifth Circuit opinion says a lot about how Citgo did its best," DeGuerin said. "It's just a truth that refineries are dirty and smelly and they're dangerous, but we've gotta have 'em and Citgo has a terrific record for safety and being a good corporate member of the community."

But according to the Fifth Circuit, if the tanks weren't oil-water separators, Citgo didn't violate the Clean Air Act by keeping them uncovered.

The ruling could also have implications for the protection of migratory birds (<http://www.natlawreview.com/article/fifth-circuit-decision-citgo-case-may-place-limits-criminal-liability-under>). Besides the felony Clean Air Act violations, Citgo was found guilty of three misdemeanor counts of violating the Migratory Bird Treaty Act after 35 birds were found in the two tanks. In its opinion, the panel wrote that the act was intended to protect against intentional attacks, such as poaching. The judges compared Citgo's "taking" of the birds to a driver accidentally running over a bird or power lines zapping fowl.

Miller said the EPA should encourage the Department of Justice to appeal the decision and request that a larger panel of Fifth Circuit judges consider the case. The EPA didn't return requests for comment, and a DOJ representative told the *Observer* only that they are "considering next steps." The deadline for filing an appeal is October 16.

The Fifth Circuit's decision sends the message that the rules don't apply to big corporations, Jarrell said. "Corporations have the power to fight these every step of the way and why would the government want to take on a case like this if this is what it's

going to look like?"

Priscila Mosqueda is a contributing writer at the *Observer*, where she previously interned. She grew up in San Antonio and graduated with a bachelor's in journalism from the University of Texas at Austin in 2012. Her work has appeared in *InsideClimate News*, The Center for Public Integrity, *The Daily Beast*, and various Central Texas outlets.



by Priscila Mosqueda (<https://www.texasobserver.org/author/priscila-mosqueda/>)

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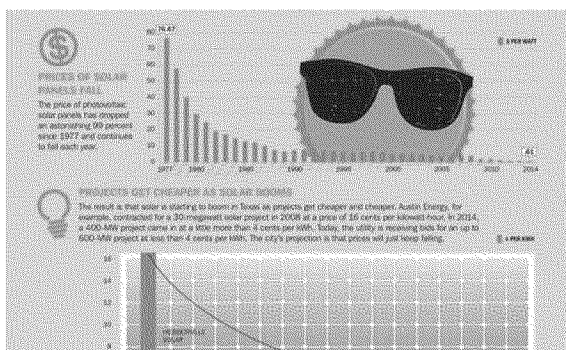
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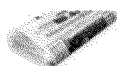
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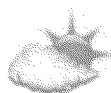


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Water plan eases up on nutrients

After comments, state panel alters draft for runoff scrutiny

By Bill Bowden

This article was published September 17, 2015 at 5:04 a.m.

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FAYETTEVILLE -- The Arkansas Natural Resources Commission has watered down a recommendation in its proposed water plan on the basis of public comments.

Agriculture industry associations in particular had opposed a sentence that could have resulted in a requirement for nutrient management plans throughout Arkansas.

The state agency has tentatively changed that sentence, which stated that the commission "will encourage" the Legislature to "require" nutrient management plans for the application of poultry litter and animal manure "throughout" the state -- as opposed to current requirements just in Northwest Arkansas.

Now the sentence states: "The commission may encourage the General Assembly to consider the need for nutrient management plans for the application of poultry litter and animal manure in other regions of the state."

Crystal Phelps, general counsel for the state agency, told commissioners at a meeting Wednesday in Fayetteville that the new wording is "a possible alteration." Commission members didn't vote on the matter Wednesday.

"We've seen a lot of comments on this section, as you might imagine," she said of Section 2402.8 of the plan, which is titled "Improving water quality through non-point source management." The sentence being tweaked is Paragraph D of that section.

Arkansas' \$4 million water plan was funded by the Legislature in 2012.

The public comment period for the plan ended Sept. 3. The commission received 11 written comments in addition to oral comments transcribed from nine public meetings held this summer in Fayetteville, Russellville, Jonesboro, Little Rock, El Dorado, Stuttgart, Texarkana, Monticello and Harrison. The comments are posted on the commission's website at anrc.arkansas.gov.

Nutrient management plans already are required across much of Northwest Arkansas, where poultry farming has long been a major industry and runoff from poultry farms affects water quality in the Illinois River in Oklahoma.

Nutrient management plans outline how to apply nutrients -- including animal waste and commercial fertilizer -- to the ground to achieve the best balance and to mitigate potential runoff into water sources, according to the Environmental Protection Agency.

Minor changes are being made to the draft water plan on the basis of some of the public comments, Phelps said. She hopes to have the plan finished by Nov. 15 so it can be placed on the agenda for the rules and regulations committee of the Arkansas Legislative Council in December, she said.

While the plan is considered a rule-making process that would be adopted into the commission's official rules, Phelps said it's not a regulatory document.

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"At this point, we consider the document to be very general," she told commission members. "We don't consider it a regulatory document."

In written comments, Rick Bransford, president of the Agricultural Council of Arkansas, opposed nutrient management plans throughout the state, saying there was "no substantive scientific evidence" of need and it wasn't discussed at any public meetings where policy was being developed.

The Arkansas Rice Federation also opposed the statewide plans, saying the commission should avoid a "one size fits all" approach.

"Such plans should not be a blanket solution to a problem not yet identified," according to public comments that accompanied a letter from Dow Brantley, chairman of the Arkansas Rice Federation.

The Arkansas Association of Conservation Districts also opposed the statewide plans because "resource concerns vary from region to region," wrote Randy Young, the executive director.

According to the Arkansas Farm Bureau Federation, the original wording for the paragraph in question was: "Study whether nutrient management plans should be required outside current surplus areas." That language was developed after two years of meetings, according to the public comment written by Evan Teague, director of environmental and regulatory affairs for the federation.

"This deviation occurred less than a month before the commission's December 2014 meeting and was a surprise to many who had devoted a significant time and effort to the stakeholder process," Teague wrote.

The Arkansas Game and Fish Commission, however, "strongly" supported Section 2402.8 -- particularly the part that could have required nutrient management plans throughout the state, according to a letter from Jason Olive, assistant chief of fisheries management.

Central Arkansas Water -- the water system serving Pulaski, Saline and Grant counties -- also supported it, according to a letter from Robert Hart, its technical services officer.

"The plan's encouragement to the General Assembly to require nutrient management plans is wholly supported," Hart wrote. "Because stream and lake impairment due to sediment is a significant concern, additional encouragement should be made in the proposed rule to the Arkansas Forestry Commission, to the Arkansas Department of Environmental Quality and to other agencies to better educate and manage against erosion and sediment runoff in their respective mandatory or voluntary programs."

The transcripts of the nine public meetings held around the state read much more like conversations than legal documents, which the written comments resembled. Based on the sign-up sheets, 16 people attended the Aug. 11 meeting in Fayetteville, 12 people attended the Aug. 18 meeting in Stuttgart, and 15 attended the Aug. 27 meeting in Harrison.

Nutrient management is only one aspect of the state's water plan. Another major issue is groundwater depletion.

The agency's annual report projected increasing groundwater shortages through 2050. Groundwater in Arkansas supplies 63 percent of all water consumption in the state and is used heavily in the Delta.

Arkansas uses more than 8.3 billion gallons of groundwater per day from aquifers, the second-highest total in the United States, behind California. About 8 billion gallons come from the Mississippi River Valley alluvial aquifer, a 537 percent increase from the amount used in 1965.

Metro on 09/17/2015

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DAILY NEWS**Inhofe Eyes Renewed Push For 'Good Samaritan' Bill After EPA Mine Spill**

Posted: September 16, 2015

Sen. James Inhofe (R-OK), chairman of the environment committee, plans to renew efforts to move long-stalled legislation that would provide environmental liability relief for so-called Good Samaritans who conduct cleanups of abandoned hardrock mines, spurred in part by EPA's Aug. 5 accidental spill of wastewater containing heavy metals from an abandoned Colorado mine.

Democrats, however, appear to be split on whether to back such an effort.

Inhofe during a Sept. 16 Senate Environment & Public Works Committee (EPW) hearing on [the Gold King Mine spill in Colorado](#) called for reigniting the effort to pass Good Samaritan legislation. He noted that a bipartisan bill passed out of the committee during his previous chairmanship in 2006, but he added that in the years since, such legislation had "received very little attention from Congress or this committee."

But, Inhofe said, he now plans to work with fellow senators in Colorado and New Mexico who are promoting Good Samaritan legislation. "I think we will, this time, do what should have been done 10 years ago," he said.

Good Samaritans are parties unconnected to the contamination at abandoned hardrock mine sites who volunteer to clean up the contamination.

But such voluntary parties have been reluctant to clean up abandoned mines because of concerns that they will be held liable under the Comprehensive Environmental Response, Compensation & Liability Act (CERCLA), Resource Conservation & Recovery Act (RCRA) or the Clean Water Act (CWA) for remaining contamination.

EPA in 2012 issued policy guidance aimed at providing additional liability protections under the CWA and CERCLA for volunteer parties seeking to remediate abandoned hardrock mines, but the agency at the time conceded the limits of its policy. It noted that the document "does not address or resolve all potential liability associated with discharges from abandoned mines." A source with the Western Governors Association said at the time that there remains a sense of reluctance among innocent parties who fear third parties may sue under the CWA if they take on a cleanup of an abandoned hardrock mine.

In response to follow-up questions on the effort Inhofe plans, an EPW committee spokeswoman compares the issue of abandoned mine cleanups to brownfields, noting that the 2002 brownfields law provides liability protection from the Superfund law to new purchasers of contaminated property who did not cause the contamination.

She says by some counts there are more than 400,000 abandoned mines, and EPA cannot address all of them. Where no viable owner or operator exists, often nothing is done to address such mines, the spokeswoman says.

She says Good Samaritans need protection from CERCLA and the CWA, noting that the brownfields law fails to "protect them since it only protects new owners and generally Good Samaritans do not take title to the property -- they just want to help clean it up."

Legislative Push

During the hearing, and a second hearing on the spill held the same day by the Senate Indian Affairs Committee, Colorado Sens. Cory Gardner (R) and Michael Bennet (D) indicated that the spill signals a need for passing Good Samaritan legislation. The EPW spokeswoman says Gardner and Bennet are considering the 2006 Good Samaritan bill -

- S. 1848 in the 109th Congress -- as well as other past bills.

Sen. Martin Heinrich (D-NM) also expressed support during the hearings for Good Samaritan legislation. He noted that cleanup estimates for abandoned mines could be between \$32 billion and \$72 billion, and said estimates indicate that 40 percent of western watersheds may be polluted by mining waste.

Meanwhile, Sen. Tom Udall (D-NM) noted at the EPW hearing that he and other senators planned to soon introduce legislation that in part would "require the EPA and others to identify the risks of more spills by assessing mines for cleanup."

The hearings were the second and third congressional hearings probing EPA's accidental release at the Gold King Mine into the Animas River, CO, Aug. 5.

The National Mining Association, which represents the mining industry, also issued a statement Sept. 15 backing a push for Good Samaritan legislation in light of the mine spill. NMA President and CEO Hal Quinn says in the statement that NMA hopes the congressional deliberations probing the spill "will result in consideration of practical solutions for addressing legacy mines. Foremost among these would be legislation that would remove the threat of liability from Good Samaritans, including private parties and the mining industry, interested in remediating these sites," he says. While some Democrats are voicing support for a Good Samaritan legislative effort, Democratic Sens. Barbara Boxer (CA), the EPW ranking member, and Sen. Edward Markey (MA) called for caution during the EPW hearing with such legislation, warning it could lead to taxpayers paying for such cleanups.

"Some argue that waiving liability for cleanups is needed to address abandoned mine pollution," Boxer said. "These so-called Good Samaritan waivers, unless they are very carefully crafted, are not the solution. They need to be carefully crafted. Otherwise, what happens is, there [are] no rules, and there can be unintended consequences such as we've seen, and cost taxpayers even more."

Markey during the EPW hearing also argued against "cavalierly" waiving environmental laws under Good Samaritan legislation, "because that's the last wall of environmental protection which we've got."

Instead, Boxer and Markey argued for ensuring polluters pay, increasing funds to EPA and federal land management agencies, and reforming the 1872 mining law to create a fee on hardrock mining that would go into a fund for abandoned mine cleanups. Boxer in her opening written statement said the federal government barely makes "a dent in cleaning up abandoned hardrock mines," noting that EPA "spends an average of about \$220 million per year, and the Bureau of Land Management and the Forest Service spend about \$5 million and \$20 million respectively -- although Congress has appropriated less in recent years."

EPA Administrator Gina McCarthy during questioning noted that the Obama administration in the fiscal year 2016 budget suggested the need for a fee to be paid by the hardrock mining sector.

Senate Republicans at both hearings also heavily questioned McCarthy on whether the agency was being held to the same standards that the private sector would be under similar circumstances, contending a double standard was at play. -- *Suzanne Yohannan* (syohannan@iwpnews.com)

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15,000 Oil Drums Abandoned in Ector County, EPA Conducting Emergency Clean-Up

Posted: Sep 16, 2015 11:03 PM CDT
Updated: Sep 16, 2015 11:39 PM CDT

By Julia Deng, NewsWest 9 Reporter [CONNECT](#)

ECTOR COUNTY, Texas - Thousands of abandoned oil drums at Marco Avenue and Market Street are leaking chemicals into the ground, contaminating water wells and creating significant fire hazards, Environmental Protection Agency officials said.

Approximately 15,000 steel and plastic containers were left on a 4.5-acre plot of land after a drum recycling company went out of business in 2011, according to Bill Rhotenberry, a federal on-scene coordinator with the EPA.

He is leading an emergency clean-up effort at the site that began on August 11 and is expected to continue "probably into November."

"Some [drums] are empty, but many have mixtures of different chemicals," Rhotenberry said. "Most of the drums are unlabeled, so we don't know what the contents are. Our task is to test the materials, find out what they are, find the best way to dispose of them and then dispose of the drums themselves."

He and a crew of 12 workers have already organized and labeled approximately 13,000 of the 15,000 drums.

Preliminary categorization consists of grouping the drums by content, Rhotenberry explained.

Workers can generally determine through basic field analysis and pH testing whether chemicals in the drums are flammable, caustic or neutral, he said.

"It was really bad when we first got out here," Rhotenberry told NewsWest 9. "There's also a water well on-site that's been impacted... It has over a foot of what we call 'free-phase hydrocarbons' on top of the water in the well."

The on-site well and other water sources believed to be contaminated are used "primarily for irrigation," he added.

A "significant amount of soil contamination" has also been linked to the leaking drums, according to the EPA.

Specific chemicals involved in the leak have yet to be positively identified, Rhotenberry said, but are known to create fire hazards.

"We've got businesses that are right up to the fence of this site," he told NewsWest 9. "And there [are] some new residential areas that are within a quarter mile of the site. [These drums] could have some impacts if we have [leakages] and there's also a significant fire threat."

According to Rhotenberry, at least five fires broke out at the site when the drum recycling business was still in operation.

Company records list the owner of the business, Ector Drum, as Odessa resident Randy Beard.

Rhotenberry told NewsWest 9 the owner was "never authorized" to store a number of hazardous chemicals found in the abandoned drums.

Beard could not be reached for comment.



THE LEADER IN ENERGY & ENVIRONMENTAL POLICY NEWS

EPA:

IG questions water-quality payoff from pricey sewer upgrades

Annie Snider, E&E reporter

Published: Thursday, September 17, 2015

It's unclear whether the billions of dollars that U.S. EPA has required cities to invest in sewer upgrades are yielding water quality improvements, the agency's inspector general concludes in a new report.

At issue is the EPA crackdown on combined sewer systems that carry both stormwater and sewage. Heavy rains overwhelm such systems, flushing 850 billion gallons of untreated wastewater into rivers, lakes and estuaries every year, EPA says.

The agency has been working since 1998 to curb so-called combined sewer overflows (CSOs) by forcing cities to bring their sewer systems into compliance, often through the form of a judicial consent decree and expensive upgrades. EPA estimates communities are spending a total of \$32 billion a year on such efforts, typically passing costs along to utility customers in rate increases.

But in a report released yesterday, EPA's Office of Inspector General said there's scant evidence that costly sewer upgrades required by consent decrees are improving water quality.

"Without reviewing available data on water quality, it is unknown whether billions of dollars and decades of work put into CSO system changes have, in fact, led to the anticipated environmental improvements that the EPA has reported to Congress and the public in its annual results," the report says.

The OIG did find that communities were generally meeting the critical milestones laid out in their consent decrees, but that EPA needs to do a better job of analyzing and tracking this interim work. Because the decrees cover years' worth of work — on average, they span 10 years — interim milestones are key to ensuring that they remain on track for the end goals.

The OIG also called for a better tracking system to improve oversight of consent decrees' implementation and results.

The National Association of Clean Water Agencies, which represents local sewer authorities around the country, said the report "hit the nail on the head."

"As the report itself acknowledges, America's public clean water utilities and the communities they serve are spending over \$32 billion to address sewer overflows and are doing a great job in making progress," Adam Krantz, the group's CEO, said in a statement. "But our public agency members also have a responsibility to their communities and their ratepayers to demonstrate that these massive investments are making meaningful environmental progress, and today's Inspector General report makes clear EPA has that responsibility as well."

Sewer officials and the communities they work for have long been frustrated by the hefty price tag associated with consent decrees. They hope that a bigger focus on environmental results will encourage regulators to allow more flexibility in how to deal with the overflows.

Although EPA's Office of Enforcement and Compliance Assurance worked with the OIG to come up with solutions to resolve concerns raised by the report, the office chief took issue with some of the report's conclusions.

In a memo to Inspector General Arthur Elkins, Assistant Administrator Cynthia Giles said correlating reductions in the number of sewer overflows with water quality improvements is technically tricky. That's because sewage discharges tend to happen during heavy rains and may not show up as clearly when measuring ambient water quality at other times. Moreover, during storms, plenty else is getting washed into waterways, too; for instance, from farm field runoff and stormwater outfalls.

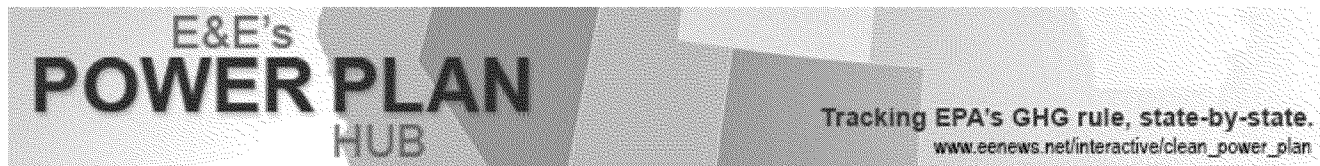
That's why her office has focused on tracking and reducing the number of overflow events, Giles wrote. And she emphasized that sewer overflows don't just contribute pollutants that harm water quality, they also add pathogens that can endanger human health.

"Reducing discharges of raw sewage and contaminated stormwater into our nation's waters will certainly minimize exposure to pathogens and other health-threatening contamination," she wrote. "Multiple studies have confirmed both the seriousness of the present exposure pathways and the benefit from reducing that pollution loading."

Moreover, Giles argued that, because only a handful of consent decrees have reached completion so far, and the fact that improvements often don't come online until construction is complete, looking at water quality improvements at this point would not be "a reliable or relevant measure of success."

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September 17, 2015, 05:00 pm

The EPA has failed the Navajo Nation

By Russell Begaye

The Environmental Protection Agency is supposed to protect the environment, our water, our air and our land. But on August 5, an EPA team doing excavation work released 3 million gallons of toxic sludge from the inactive Gold King Mine, contaminating the Animas and San Juan rivers in Colorado, New Mexico, Navajo Nation, and Utah. What followed was a month of finger pointing, failure to take responsibility in a timely manner, and an agency turning its back on the Navajo people.

The EPA had fair warning that the Gold King Mine and other mines in the area posed a threat. In fact, in 2005 they performed a National Priorities List assessment where the study confirmed, for the second time, that the mine should qualify as a Superfund site. However the EPA, and other responsible parties, neglected to act, disregarding the facts with respect to the level of harm posed to downstream communities like the Navajo Nation.

Not only could they have prevented this from happening, once the spill occurred, it took the EPA almost two full days to notify Navajo Nation officials about the spill. The only reason we were aware to divert our irrigation systems the day after the spill was because the state of New Mexico's Technical, Construction and Operations Branch let us know the day after the initial breach. Our culture and our livelihoods depend on these waterways, and EPA officials have told us that we will be dealing with the effects of the spill "for decades" due to the huge amounts of heavy metal contamination and its long-term health effects.

It took the EPA six full days to take responsibility for the spill. Other responsible parties have not taken any responsibility. Time and again, the EPA has failed to accurately assess the gravity of the situation – originally, they said that there was a one million gallon release of toxic sludge, when in reality, there was a three million gallon release of chemicals into the Animas and San Juan rivers. Even now, the spill continues to flow at a rate of 610 gallons per minute, as measured by the U.S. Geological Survey.

While the Navajo Nation has historically maintained a good working relationship with the EPA, their lack of adequate response to the spill has built a strong culture of distrust. They've sought to silence our legitimate concerns, and have now, only a month after this environmental catastrophe, withdrawn assistance. They now claim that the river is safe to open back up to all uses, including irrigation, livestock, and drinking water, but the Navajo Nation Environmental Protection Agency's (NNEPA) independent analysis shows unsafe levels of pollutants in the Nation's Water Quality Standards for livestock use. Other contaminants such as lead, arsenic, mercury, chromium, cadmium, and beryllium, all known to be toxic to humans, animals and plants, remain present in the ongoing chemical spill. Many of our people do not feel comfortable or safe using the water for even opened uses, such as irrigation, so two of our three irrigation canals along the River largely remain closed.

The spill has taken a huge economic toll on the Navajo Nation. Our farmers and our ranchers need the continued delivery of clean water to water their crops and livestock, and hay to feed their now penned livestock and to replace the lost alfalfa crops they planned to use to carry their stock through the winter. Because of this spill, livelihoods have been disrupted, and growing cycles and field rotations have been interrupted. Meanwhile, our farmers are left to recoup their losses.

We've lost trust in the EPA, whose response has been marked by a lack of transparency. There's a real conflict of interest with them remaining in charge of the investigation and emergency response. Just like we wouldn't let a corporate company like BP independently investigate themselves after a big oil spill and determine appropriate reparations, we need an independent body to assess the level of damage and determine the best course of action. We have asked for assistance from the Federal Emergency Management Agency (FEMA) but have been rejected and referred back to the EPA.

EPA must establish a relief fund to provide economic relief to our farmers and ranchers. We need robust government assistance to create auxiliary water supplies while the NNEPA continues testing the river for contaminants. We need funding so that we are able to conduct our own water and soil sediment monitoring. Finally, it is critical that we get assistance to fully clean up the San Juan River and return it to its original state.

We want to protect our Navajo citizens, our natural resources and our Navajo way of life for future generations. The EPA and all responsible parties should take responsibility for their actions (or inactions), make us whole, and clean up the mess that they inflicted on our sacred land.

Begaye is the president of the Navajo Nation.

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City approves Natural Chem land purchase agreement

September 17, 2015

By Brittney Cannon

Staff Writer

bcannon@cnjonline.com

For three hours on Thursday night, Clovisites living on South Main Street voiced concerns to city commissioners about Natural Chem, LLC moving into the nearby industrial park. After the company's chief executive officer Robert Salazar answered questions, the commission decided by unanimous vote to approve a land purchase agreement, allowing the company to make progressive steps toward building a plant in Clovis.

Clovis Industrial Development Corporation (CIDC) Executive Director Chase Gentry initially explained why Natural Chem selected the property to build its biodiesel plant — access to the railway, water supply, ample driving routes and sewer lines were all listed as reasons for the selection.

Salazar said the plant plans to use wastewater and reuse water — 275,000 gallons a day. If it runs out of wastewater for any reason, he said, the company could also work out a deal to use EPCOR Water's supply at double the price of the reuse water.

Salazar also told citizens that the entire process would be enclosed, which would eliminate any chance of odor or possible pollutants to enter the air.

Interim Fire Chief Michael Nolen, who lives near the industrial park, said there would be little to no chance of a massive fire or explosion happening at the plant since all the chemicals involved would be enclosed and, if it did, the fire department would be able to handle the job.

Nolen also wished the company good luck in meeting all of the requirements and mandates that come from the federal, state and local governments, the Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA) and the New Mexico Environment Department.

Mark Lautman, an economic development specialist, said the plant could bring around 80 jobs and an estimated \$1.2 billion economic output over a 10-year period.

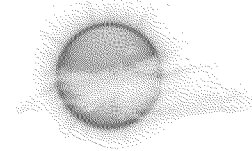
The price tag for the purchase, Salazar said, is \$1.2 million, which the company promises to pay the city as soon as it can show investors in New York City that it has \$75 million "committed and available for this project."

"Trust us on our own merits," Salazar said. "We have one of the best groups that's ever going to knock on your door ... You have to decide what's best for the community, not one neighborhood."

But that "one neighborhood" filled a majority of the Clovis-Carver Public Library North Annex on Thursday night.

Scott Blazek was the first South Main Street resident to protest the plant at the podium, stating that he accrued 90 signatures from people who live in the area that also do not want the plant there.

"It's half a mile from us," Blazek said. "I don't know if anyone remembers April 2013 in Texas. There was a town, West. It was not a biodiesel plant, but it blew up. I've heard time and time again that it's



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Local Emergency Room

a state-of-the-art facility and under regulations, but in 1912 Titanic was state-of-the-art, too. It takes only one employee to make something happen."

Salazar responded later, stating that comparing Natural Chem's biodiesel plant to the Titanic or the plant in West, Texas, is like comparing apples to oranges.

"In West, Texas, they were not following regulations, but it doesn't get much worse than West, Texas, and extent of the damage was two blocks, 600 feet," Salazar said. "What's that saying? Titanic and West are apples, and ... we're much different."

After Nolen presented the fire department's findings from a study City Manager Larry Fry requested they do, Commissioner Chris Bryant asked if Clovis could handle a "fire this size."

"I live down there and I wouldn't misguide you on that, absolutely I do," Nolen said, noting that the fire department also has a HAZMAT team that would respond to any fire at the plant. "There's more to that. There's the industry standards ... this thing is ready to foam itself. And that's the initial measures. Even if it was burning, those liquids are in a containment area."

Nolen also explained that if a fire were to break out outside of the plant, the fire marshal would be involved in landscaping around the plant to ensure no outside fire could get into the plant.

Another South Clovis citizen, John Burke, expressed concern about how much the city would "lose more money one way or the other," mentioning the Beauty, Health and Science Innovations, Inc. debacle from a few years ago that cost the city millions.

"We have not asked the city or the county for a penny," Salazar said. "We have not asked for any tax evasions. We're paying full taxes, no abatements at all ... Can you get a mortgage on a house without a contract? We're in the same predicament."

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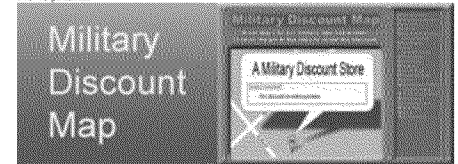
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- ☐ Portales.
- ☐ Both are winning a title.
- ☐ Neither are winning a title.

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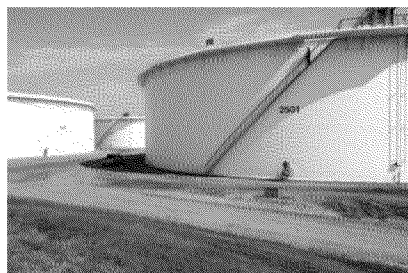


Some in Oklahoma dispute whether nation has an oil glut

Analysts in Oklahoma and beyond have said the storage glut has created an overhang that has held down prices and promises to keep prices low long after supply and demand return to balance.

by Adam Wilmoth Published: September 18, 2015

The rapid increase in domestic production over the past several years has displaced much of the country's oil imports and forced changes in many of the ways companies operate throughout the oil patch.



BlueKnight Energy's Facility manager Jerry Fore checks out an oil storage tank, which is near its capacity at the company's storage hub in Cushing, in this July 31 photo. [Photo by Paul Hellstern, The Oklahoman Archives]

Oklahoma City-based Continental Resources Inc. executives say those supply changes also fundamentally affect the way the country's oil storage levels are measured and understood.

"We're in a new normal for infrastructure and reserves," said Kirk Kinnear, Continental's vice president of crude logistics and hedging. "The industry knows this paradigm shift is real and that they need to take this kind of infrastructure change into account in the new model. Yet the government hasn't picked it up yet."

The country's commercial storage held almost 456 million barrels as of Sept. 11, the U.S. Energy Information Administration said this week. The number is down about 2.1 million barrels over the previous week. The agency has pointed out over the past few months that domestic storage levels now "soar above the five-year seasonal average" and are at 80-year highs.

Analysts have said the storage glut has created an overhang that has held down prices and promises to keep prices low long after supply and demand return to balance.

Kinnear does not dispute the storage numbers, only the interpretation.

"It's an irrelevant comparison, and it leads folks to believe we have a glut of oil when we really don't," he said.

Moving supply lines

When oil is imported to the United States, the oil is not counted in domestic inventory numbers until it clears customs and is poured into U.S. pipes and storage tanks. For the 50 days the oil is on a tanker from the Persian Gulf or the 15 days it takes to ship from the west coast of Africa, the oil is not included in U.S. inventory data.

Domestic production, however, is counted essentially from the wellhead. Inventory numbers count the oil while it is moving through gathering systems and interstate pipelines and on trains, barges and trucks.

"Because these (domestic) barrels are replacing barrels that previously were delivered from other countries on tankers, the working inventory that refiners require to operate efficiently is now onshore and is being counted by inventory reports," Kinnear said.

"Previously, the working inventory was not counted because it was on tankers."

Over the past seven years, domestic production has grown rapidly while oil imports have dropped. Accounting for that displacement and the time it takes for the oil to reach the refinery, Continental found a minimum of about 103 million barrels of oil inventories are needed to make up for the displaced imports.

"This is the absolute minimum because it's assuming just-in-time inventory," Kinnear said. "In reality, refiners have to have more inventory because that is not the way the world works. A refinery might have 1.25 or 1.5 times the oil they need in case there is a disruption in the supply chain."

Over the past five years, companies have built more than 150 million barrels worth of oil storage.

"You're building tanks. You need them because of the supply chain change, yet the analysts are ignoring it," Kinnear said. "They're calling it record high stocks when in reality they're normal working inventory levels."

Financial implications

Adjusting such models and implications is far from just an academic exercise. Wall Street relies heavily on government models, interpretations and forecasts in establishing prices, both for today and into the future.

Traders today are basing many of their decisions not only on storage levels but on the idea that current levels are at record levels.

"It gives a false sense of surplus," Kinnear said. "Noncommercial traders, who make up a significant part of the oil trading community, have a false sense of scarcity, thinking that we have to work through this 150 million barrels of surplus before oil prices can rise. What

have a false sense of scarcity, thinking that we have to work through this 150 million barrels of surplus before oil prices can rise. What we're saying is that there is no 150-million-barrel surplus."

Oil-field data company Genscape, however, said the supply line change doesn't account for the excess oil in storage.

"We have an oil glut, but we would have an oil glut regardless of whether the oil was imported or produced domestically," said Hillary Stevenson, Genscape's manager of supply chain networks. "We definitely have an oil glut because we have increased U.S. production, and only a little of it can be sent to Canada or Mexico. Because of the export embargo, the barrels produced here are stuck here. Production here has a limited route to market."

GasBuddy analyst Will Speer said he's not ready to call the existing model inaccurate, but thinks it's a good idea for the government to study whether the model should be updated.

"In the U.S., the EIA numbers are some of the best to go by as to what's going on in the oil and gas world," Speer said. "As things change, the EIA has struggled to keep up. It recently changed domestic production models, and we could now see them update the stocks data. Until people raise questions, people will keep accepting the numbers as the best information there is."

Besides previously not accounting for oil in transit, the storage levels also have been affected by refiners' desire for more onsite storage at refineries throughout the country, Speer said. Previously, if an oil shipment was delayed, refiners could buy oil from other ships.

"Now that you have supply domestically, if a pipeline shuts down, that's not a good answer for why a refinery is not running," he said. "As a result, refineries are keeping more crude on hand to have a safety stop because they're relying on so much inland production."

University of Oklahoma economist Robert Dauffenbach agreed the rapid changes throughout the industry over the past few years are likely to affect many existing oil models.

Over the past 10 years, U.S. production has grown from about 50 percent of imported oil to about 130 percent of total imports, he said.

"That illustrates how dramatic this revolution in U.S. oil production has been," said Dauffenbach, director of OU's Center for Economic and Management Research. "It wouldn't surprise me that inventories are higher in the U.S. as a consequence of increased U.S. production as a share of total use."

4.1 earthquake recorded today near Cushing; state's largest in past 30 days

By ALTHEA PETERSON World Staff Writer | Posted: Friday, September 18, 2015 8:09 am

View a list and map of recent Oklahoma earthquakes at tulsaworld.com/earthquakes.

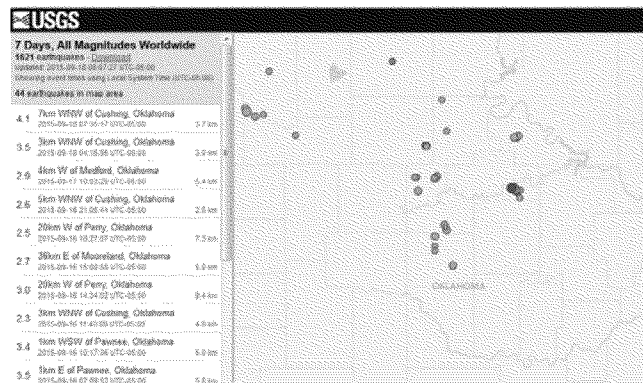
The U.S. Geological Survey recorded a 4.1 earthquake this morning in Oklahoma.

The temblor recorded at about 7:35 a.m. about 4 miles west-northwest of Cushing in Payne County.

The USGS also recorded a 3.5 magnitude quake near Cushing at 4:16 a.m. today.

During the past seven days, the USGS recorded 44 earthquakes in Oklahoma. During the past 30 days, Oklahoma recorded 125 earthquakes of at least 2.5 magnitude.

Today's 4.1 is the largest quake in that timeframe. The second-largest was a 4.0 recorded Tuesday near Mooreland in Major County.



4.1 quake Sept 18 Oklahoma USGS courtesy

A 4.1 magnitude earthquake, marked in red on this map, recorded Friday, Sept. 18, 2015 near Cushing, according to the U.S. Geological Survey. Courtesy

ConAgra, Albertsons, Sodexo join fight to halve food waste

Barbara Grady

Friday, September 18, 2015 - 2:00am

USDA

Beans considered too short to sell commercially were sent to a food pantry in Tennessee where volunteers package them for donation.

Hunger is the biggest obstacle to learning for children in public schools in Oakland, California, according to a survey of district teachers. In Washington, D.C., 31 percent of children live in "food-insecure" households. That's one in five residents across Louisiana. Ditto in New York City.

Hunger persists in the United States, where 48.1 million regularly face food insecurity or inadequate access to food.

At the same time, one-third of the food produced in America is thrown out and winds up in landfills, said the Department of Agriculture. That 133 billion pounds of food waste in landfills becomes a major emitter of methane.

Somewhere between farm to table, a lot of good food is tossed out. Farmers chuck tomatoes or apples that are not cosmetically attractive. Supermarkets do the same or toss food that is near premature expiration dates. Restaurants finish their evenings with unserved food.

And consumers — the biggest culprits of all — throw out food from their refrigerators and plates.

An estimated 133 billion pounds of food waste go to municipal landfills, where it accounts for 18 percent of total U.S. methane emissions, according to the Environmental Protection Agency.

This week, the EPA and the USDA — along with about 253 companies including ConAgra, General Mills, Albertsons, Wegmans, 7-Eleven, Walmart, Kelloggs, BJ's Wholesale and Chipotle, plus charities, schools and faith groups — committed to drastically reduce food waste.

The aim is to cut food waste in half by 2030.

The endeavor comes one week before businesses and diplomats meet in New York City to consider the Sustainable Development Goals — many of which focus on ending poverty and hunger — and confer at Climate Week.

The second of the 17 Sustainable Development Goals is “to end hunger [and] achieve food security,” and the third is to “ensure healthy lives.” Businesses and national governments have been asked to back them.

Many large corporations will be represented in New York for Climate Week meetings, so this issue is gaining exposure.

The combined corporate-federal intent is to bring new attention to what happens to food all along the production and distribution value chain so that resources aren’t wasted and un-served, unsold food gets to people who are hungry. The USDA plans to educate consumers.

Business commitments

ConAgra stated it’s a matter of managing resources.

“Solid waste is simply the result of wasted resources, representing an opportunity for further efficiency in our operations. Our continuous improvement program — based on a ‘zero loss’ philosophy — drives maximum use of all of our material resources,” ConAgra stated, announcing its participation.

By re-setting the tone of how we talk about these materials, we can begin changing attitudes and behaviors in our facilities to better manage them for value.

“Nearly all solid waste generated at our manufacturing facilities consists of food (more than 80 percent) and packaging materials and much of it could be more aptly characterized as by-products vs. wastes.

“By re-setting the tone of how we talk about these materials, we can begin changing attitudes and behaviors in our facilities to better manage them for value.”

ConAgra said through efforts it began five years ago, it diverts about 75 to 90 percent of its solid waste away from its landfills. It did this by increasing its donations to charities that feed hungry people, improving processes to allow waste byproducts to be used as animal feed and increasing use of technologies such as anaerobic digestion to recovery energy and soil amendments from composting.

Now ConAgra aims to increase all of these activities.

The merged Safeway and Albertsons, and their 2,230 supermarkets, said it has had strategies to reduce waste at the store level — also a business imperative to reduce shrinkage — by more precise inventory replacement and just-in-time ordering. A second major activity, it stated, is donating food to hunger relief agencies. Safeway said it donates about 72 million pounds of food to hunger relief agencies, or the equivalent of about 59 million meals.



USDA

Surplus oranges considered past their sell date or not orange enough became part of a Second Harvest food donation packaging effort.

Several food companies are seeing the value of diverting food waste to animal feed processors and even biodiesel makers.

In its California and Pacific Northwest stores, Safeway has begun to collect bone and animal fat to send to feed lots. It collects used cooking oils in those regions to be recycled and processed into biodiesel fuel for delivery trucks. Safeway said the Western states trial of this has been successful in that it diverts about 42,800 tons of food waste to animal feed lots and 4,680 tons of used cooking oil a year those regions to biodiesel producers.

General Mills said it has been recycling or reusing most of its food waste in the last three years, processing 84 percent of the approximately 159,000 metric tons of waste it generates at manufacturing plants. It also has a system of food donations from its factories to charities.

With the EPA and USDA initiative, it plans to add efficiencies to the donation system to minimize damage to food in transport and add packaging in its donations. It works through the nonprofit Feeding America.

Secondly, it aims to work towards zero loss in production facilities, both reducing waste generation and then capturing what waste exists for recycle, reuse or donation.

Whole Foods Markets will continue to donate food that has lost its attractiveness or saleability to We Don't Waste in various cities where Whole Foods operates.

Bon Appetit Management, 7-Eleven Stores, Unilever, Walmart and even the Milwaukee Brewers have made commitments to reduce food waste.

Thirty-one colleges and universities, about 100 K-through-12 schools and the state of Connecticut also committed to the effort.